

House Amendment to
Senate File 364

S-5193

1 Amend Senate File 364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 35 by inserting:
4 <Sec. _____. Section 148B.2, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. "*Occupational therapy*" means the therapeutic
7 application of specific tasks used for the purpose of
8 evaluation and treatment of problems interfering with
9 functional performance in persons impaired by physical
10 illness or injury, emotional disorder, congenital or
11 developmental disability, or the aging process in order
12 to achieve optimum function, for maintenance of health
13 and prevention of disability. "*Occupational therapy*"
14 includes but is not limited to providing assessment,
15 design, fabrication, application, and fitting of
16 selected orthotic devices and training in the use of
17 prosthetic devices.>

18 2. Page 2, after line 35 by inserting:
19 <Sec. _____. Section 148B.2, subsection 2, Code 2011,
20 is amended to read as follows:

21 2. "*Occupational therapy*" means the therapeutic
22 application of specific tasks used for the purpose of
23 evaluation and treatment of problems interfering with
24 functional performance in persons impaired by physical
25 illness or injury, emotional disorder, congenital or
26 developmental disability, or the aging process in
27 order to achieve optimum function, for maintenance of
28 health and prevention of disability use of occupations,
29 including everyday life activities with individuals,
30 groups, populations, or organizations to support
31 participation, performance, and function in roles and
32 situations in home, school, workplace, community, and
33 other settings. Occupational therapy services are
34 provided for habilitation, rehabilitation, and the
35 promotion of health and wellness to those who have
36 or are at risk for developing an illness, injury,
37 disease, disorder, condition, impairment, disability,
38 activity limitation, or participation restriction.
39 Occupational therapy addresses the physical, cognitive,
40 psychosocial, sensory-perceptual, and other aspects of
41 performance in a variety of contexts and environments
42 to support engagement in occupations that affect
43 physical and mental health, well-being, and quality of
44 life.

45 Sec. _____. Section 148B.3, subsection 5, Code 2011,
46 is amended by striking the subsection.

47 Sec. _____. Section 148B.3, subsection 6, Code 2011,
48 is amended to read as follows:

49 6. A nonresident performing occupational therapy
50 services in the state who is not licensed under

1 this chapter, if the services are performed for not
2 more than ~~ninety~~ thirty days in a calendar year in
3 association with an occupational therapist licensed
4 under this chapter, and the nonresident meets either of
5 the following requirements:

6 a. The nonresident is licensed under the law of
7 another state which has licensure requirements at least
8 as stringent as the requirements of this chapter, ~~or.~~

9 b. The nonresident meets the requirements for
10 certification as an occupational therapist registered
11 (O.T.R.), or a certified occupational therapy assistant
12 (C.O.T.A.) established by the ~~American~~ national board
13 for certification in occupational therapy association.

14 Sec. _____. Section 148B.4, Code 2011, is amended to
15 read as follows:

16 **148B.4 Limited permit.**

17 1. A limited permit to practice occupational
18 therapy may be granted to persons ~~a person~~ who have
19 has completed the education and experience academic
20 and field work requirements of for occupational
21 therapists under this chapter and has not yet taken or
22 received the results of the entry-level certification
23 examination. This permit shall ~~A permit granted~~
24 pursuant to this subsection shall be valid for a period
25 of time as determined by the board by rule and shall
26 allow the person to practice occupational therapy under
27 the direction and appropriate supervision of a licensed
28 an occupational therapist and shall be valid until
29 the date on which the results of the next qualifying
30 examination have been made public licensed under this
31 chapter. This ~~The permit shall expire when the person~~
32 is issued a license under section 148B.5 or if the
33 person is notified that the person did not pass the
34 examination. The limited permit shall not be renewed
35 if the applicant has failed the examination.

36 2. A limited permit to assist in the practice of
37 occupational therapy may be granted to a person who
38 has completed the academic and field work requirements
39 for occupational therapy assistants under this chapter
40 and has not yet taken or received the results of the
41 entry-level certification examination. A permit
42 granted pursuant to this subsection shall be valid for
43 a period of time as determined by the board by rule
44 and shall allow the person to assist in the practice
45 of occupational therapy under the direction and
46 appropriate supervision of an occupational therapist
47 licensed under this chapter. The permit shall expire
48 when the person is issued a license under section
49 148B.5 or if the person is notified that the person did
50 not pass the examination. The limited permit shall not

1 be renewed.

2 Sec. ____. Section 148B.6, Code 2011, is amended to
3 read as follows:

4 **148B.6 Waiver of requirements for licensing.**

5 ~~1.~~ The board may waive the examination and grant a
6 license:

7 1. ~~to~~ To a person certified prior to January
8 1, 1981, as an occupational therapist registered
9 (O.T.R.) or a certified occupational therapy assistant
10 (C.O.T.A.) by the American Occupational Therapy
11 Association occupational therapy association.

12 ~~2.~~ The board shall waive the education and
13 experience requirements for licensure in section
14 148B.5, subsections 1 and 2, for applicants for a
15 license who present evidence to the board that they
16 have been engaged in the practice of occupational
17 therapy on and prior to January 1, 1981. Proof of
18 actual practice shall be presented to the board in a
19 manner as it prescribes by rule. To obtain the benefit
20 of this waiver, an applicant must successfully complete
21 the examination within one year from January 1, 1981.
22 However, the waiver is conditional upon the applicant
23 satisfying the education and experience requirements of
24 section 148B.5, subsections 1 and 2, within five years
25 of the waiver being granted and if those requirements
26 are not satisfied at the expiration of those five years
27 the board shall revoke the license.

28 ~~3.~~ 2. The board may waive the examination and
29 grant a license to To an applicant who presents proof
30 of current licensure as an occupational therapist
31 or occupational therapy assistant in another state,
32 the District of Columbia, or a territory of the
33 United States which requires standards for licensure
34 considered by the board to be equivalent to the
35 requirements for licensure of this chapter.

36 Sec. ____. **NEW SECTION. 148B.8 Unlawful practice.**

37 1. A person shall not practice occupational therapy
38 or assist in the practice of occupational therapy,
39 provide occupational therapy services, hold oneself out
40 as an occupational therapist or occupational therapy
41 assistant or as being able to practice occupational
42 therapy or assist in the practice of occupational
43 therapy, or provide occupational therapy services in
44 this state unless the person is licensed under this
45 chapter.

46 2. It is unlawful for any person not licensed as an
47 occupational therapist in this state or whose license
48 is suspended or revoked to use in connection with the
49 person's name or place of business in this state the
50 words "*occupational therapist*", "*licensed occupational*

1 *therapist*", or any word, title, letters, or designation
2 that implies that the person is an occupational
3 therapist.

4 3. It is unlawful for any person not licensed as an
5 occupational therapy assistant in this state or whose
6 license is suspended or revoked to use in connection
7 with the person's name or place of business in this
8 state, the words "*occupational therapy assistant*",
9 "*licensed occupational therapy assistant*", or any word,
10 title, letters, or designation that implies that the
11 person is an occupational therapy assistant.

12 Sec. ____ . NEW SECTION. 148B.9 False use of titles
13 **prohibited.**

14 A person or business entity, including the
15 employees, agents, or representatives of the
16 business entity, shall not use in connection with
17 that person or business entity's business activity,
18 the words "*occupational therapy*", "*occupational*
19 *therapist*", "*licensed occupational therapist*", "*doctor*
20 *of occupational therapy*", "*occupational therapy*
21 *assistant*", "*licensed occupational therapy assistant*",
22 or the letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.",
23 "O.T.A./L.", or any words, abbreviations, or insignia
24 indicating or implying that occupational therapy
25 is provided or supplied unless such services are
26 provided by or under the direction and supervision of
27 an occupational therapist licensed pursuant to this
28 chapter.>

29 3. Page 7, line 2, after <caregivers.> by inserting
30 <Any changes to the nationally accepted standards by
31 the American board for certification in orthotics,
32 prosthetics and pedorthics which impact scope of
33 practice may be approved by the board along with the
34 adoption of rules as required in this section.>

35 4. Page 11, by striking lines 6 through 19.

36 5. Title page, line 1, by striking <of> and
37 inserting <and regulation of persons offering
38 occupational therapy services, and>

39 6. Title page, line 2, after <pedorthists>
40 by inserting <, providing exceptions for persons
41 practicing within the scope of their professions,>

42 7. By renumbering as necessary.